

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - GPA-24477 - APPLICANT/OWNER: MICHAEL VILLAGE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to amend 1.96 acres of property of the Southwest Sector Plan of the General Plan from the L (Low Density Residential) General Plan Land Use Designation to the SC (Service Commercial) General Plan Land Use Designation. The subject site consists of two parcels located on the southwest corner of Lake Mead Boulevard and Michael Way.

Because this request is not bordered by any other commercial use, staff has determined that this request, and the affiliated Rezoning and Site Development Plan Review requests, constitutes spot zoning as defined in Title 19.20. Therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
8/19/99	The City Council approved an update of the Southwest Sector Map (GPA-0023-99) of the city of Las Vegas General Plan. On this map, the subject properties were designated for R (Rural Residential) land uses, with a maximum density of 3.5 dwelling units per acre.
9/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
1/18/06	The City Council approved a General Plan Amendment (GPA-7323) to reclassify the property to an L (Low Density Residential) land use classification; an associated request for Rezoning (ZON-7470) to R-PD4 (Residential Planned Development - 4 Units Per Acre) from R-E (Residence Estates), a Variance (VAR-7535) to reduce the minimum area required for formation of an RPD (Residential Planned Development), a Waiver (WVR-10086) to allow approximately 145 feet between street intersections where 220 feet is the minimum offset required, and a Site Development Plan Review (SDR-7473) for an 11-lot single-family residential development.
10/25/06	The Planning Commission accepted the applicant's request for an abeyance to the 12/06/07 Planning Commission meeting in order to meet with the neighbors.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses associated with either parcel (APN 138-24-305-001 and 003) of the subject site.	

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<i>Pre-Application Meeting</i>	
8/30/07	A pre-application meeting was held with staff to discuss the process of submitting a request to construct a commercial development on two undeveloped parcels. Issues regarding the existing residential land use, previous history of development requests, and requirements necessary to pursue this proposal were discussed. Staff determined that an approved General Plan Amendment, Rezoning, and Site Development Plan Review will be necessary to proceed with development. The applicants and their representatives requested a neighborhood meeting (required for a General Plan Amendment) to discuss this proposal with the neighbors of the property.
<i>Neighborhood Meeting</i>	
9/25/07	<p>A neighborhood meeting is not required for a Site Development Plan Review; however, a neighborhood meeting was held to meet the submittal requirements of the accompanying General Plan Amendment (GPA-24477) request. The following comments were made during the meeting:</p> <ul style="list-style-type: none"> • Liquor uses at this site • Traffic exiting to Lake Mead • Increase Traffic • Request to preserve as Horse Property • No convenience stores • No Apartments or Condos • Some supported Commercial • Access to Shadow Mountain • People hanging out in the parking lot after hours • Request to move the buildings closer to residential to allow for police to observe activity after hours • Concern about overall land use at this location
11/27/07	A neighborhood meeting was scheduled on Tuesday, November 27, 2007 at 6:30 p.m. The meeting was held in the Multi-Purpose Room at Ronzone Elementary School, 5701 Stacey Avenue, Las Vegas, Nevada.

<i>Field Check</i>	
9/21/07	<p>The following observations were made by Planning and Development Staff during a routine field check:</p> <ul style="list-style-type: none"> • Undeveloped property with existing eight-foot wall on the west and portion of the south perimeter. No wall adjacent to Single Family Residence located at 1950 North Michael Way. • Large-lot residential properties with horses adjacent to the south. • Church located to the west of the property on R-E (Residence Estates) zoned property. • Michael Way primarily residential in character.

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Details of Application Request	
Site Area	
Net Acres	1.96 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units per Acre)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Single-Family Residential	R (Rural Density Residential)	R-E (Residential Estates)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Church	R (Rural Density Residential)	U (Undeveloped)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Trails	X		Y*
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

*A Pedestrian Path is required. More information is provided with SDR-24478.

ANALYSIS

- **L (Low Density Residential) Master Plan Land Use Designation**

The Low Density Residential land use classification allows a maximum density of development of 5.49 units per gross acre. This category permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments.

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- **SC (Service Commercial) Master Plan Land Use Designation**

The applicant is proposing to amend the current L (Low Density Residential) Master Plan Land Use Designation to the SC (Service Commercial) Master Plan Land Use Designation in efforts to allow low to medium intensity retail, office, or other commercial uses that primarily serve local area patrons. This particular proposal consists of two parcels totaling 1.96 acres with a 15,030 square foot General Retail development. Part of the 15,030 gross floor area is a 1,500 square foot restaurant with drive-through oriented towards the southwest corner of Lake Mead Boulevard and Michael Way.

This Amendment was submitted in conjunction with a proposed Rezoning (ZON-24478) to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-24479) for a proposed 15,030 square foot General Retail Development. The SC (Service Commercial) designation is not compatible with the surrounding R (Rural Density) and L (Low Density) Land Use designations in the area. Therefore, staff recommends denial for this General Plan Amendment request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to “1”:

The proposed SC (Service Commercial) Land Use designation on two parcels currently designated as Low Density Residential is not compatible with the existing R (Rural Density Residential) and L (Low Density Residential) properties that surround the subject site. Because the increase in the intensity of use has created this incompatibility, staff recommends denial of this request, and the affiliated Rezoning (ZON-24478) and Site Development Plan Review (SDR-24479).

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In regard to “2”:

The affiliated C-1 (Limited Commercial) zoning designation is the appropriate zoning district for the requested SC (Service Commercial) land use designation. However, as this zoning district is inherently linked to the issue of spot zoning, as defined in Title 19.20, staff finds that a commercially zoned district would be inappropriate for this location.

In regard to “3”:

Adequate transportation to the site is provided primarily from Lake Mead Boulevard, classified as an 80-foot wide Major Street. Additional site provided from Michael Way, a 60-foot wide Collector Street. As the overall area surrounding the proposal is existing single family residential property, there should be adequate infrastructure to accommodate a retail development of this size.

In regard to “4”:

This proposed amendment does not conform to the Master Plan or the Title 19 Zoning Code in that the existing residential land uses that surround the subject property are not compatible with the proposed commercial use. Because this particular proposal, with the affiliated Rezoning (ZON-24478) and Site Development Plan Review (SDR-24479), constitute spot zoning, staff must recommend denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

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APPROVALS 38

PROTESTS 11